

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

L. RUTHER,	:	CIVIL NO: 1:13-CV-01642
	:	
Plaintiff,	:	
	:	(Judge Conner)
v.	:	
	:	(Magistrate Judge Schwab)
STATE OF TENNESSEE OFFICER,	:	
	:	
Defendant.	:	

**REPORT AND RECOMMENDATION**

The plaintiff, L. Ruther, filed a complaint that is illegible and unreadable and that fails to comply with the pleading requirements of Fed.R.Civ.P. 8. After screening the complaint, we recommended that Ruther's application for leave to proceed *in forma pauperis* be granted, that the complaint be dismissed, and that Ruther be granted leave to file an amended complaint. Adopting that Report and Recommendation, on July 18, 2013, Judge Conner dismissed the complaint, granted Ruther leave to file an amended complaint within 20 days, and remanded the case to me.

Ruther has not filed an amended complaint. On July 29, 2013, he did, however, file a document, which the Clerk of Court docketed as a motion for reconsideration of the Order adopting my prior Report and Recommendation. The document filed by Ruther is illegible and unreadable.

To the extent that the court construes the document filed by Ruther on July 29th as a motion, it is recommend that it be deemed withdrawn because Ruther has not filed a brief in support as required by Local Rule 7.5, or, in the alternative, it is recommended that it be denied because it makes no sense. And because Ruther has not filed an amended complaint, it is recommended that the case be closed.

The Parties are further placed on notice that pursuant to Local Rule 72.3:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive

further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Submitted this 30<sup>th</sup> day of August, 2013.

**S/Susan E. Schwab**

Susan E. Schwab

United States Magistrate Judge